


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL JAY STEWART,) CASE NO. C09-1511-RSL
)
Petitioner,)
)
v.) ORDER DENYING PETITIONER'S
) HABEAS PETITION WITH
RON VAN BOENING,) PREJUDICE
)
Respondent.)

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's habeas petition and this action are DISMISSED, with prejudice;
- (3) Petitioner is not entitled to a certificate of appealability; and
- (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

Dated this 5th day of April, 2010.


Robert S. Lasnik
United States District Judge